

**Notice of Allowability**

Application No.

09/835,312

Examiner

Crystal J. Barnes

Applicant(s)

HAY, RUSSELL C.

Art Unit

2121

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amendment received on 27 October 2004.
2. ☒ The allowed claim(s) is/are 1-3, 5-11, 13-17 and 19-23 (renumbered claims 1-20).
3. ☒ The drawings filed on 27 October 2004 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date 30 April 2001
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

### DETAILED ACTION

1. The following is a Notice of Allowance in response to Amendment received on 27 October 2004. Claims 4, 12 and 18 have been cancelled. Claims 1, 2, 8, 10, 15 and 21-23 have been amended. Claims 1-3, 5-11, 13-17 and 19-23 remain pending in this application.

### EXAMINER'S AMENDMENT

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Edward J. Grundler, Reg. No. 47,615 on 16 November 2004.

The application has been amended as follows:

#### IN THE CLAIMS:

Claim 8, line 7, inserted --, if the neighboring load balancer fails-- after  
"neighboring load balancer in the ring".

Claim 15, line 9, inserted --, if the neighboring load balancer fails-- after  
"neighboring load balancer in the ring".

Claim 21, line 13, inserted --wherein the plurality of load balancers are  
organized into a ring; -- before "wherein each of the plurality of load  
balancers is configured to take over".

Claim 22, line 13 inserted --wherein the plurality of load balancers are  
organized into a ring; -- before "wherein each load balancer".

Claim 23, line 11, inserted --, if the neighboring load balancer fails-- after  
"neighboring load balancer in the ring".

### **REASONS for ALLOWANCE**

3. Claims 1-3, 5-11, 13-17 and 19-23 (renumbered claims 1-20) are allowed.
4. The following is an examiner's statement of reasons for allowance:

As per claim 1, the prior art of record taken alone or in combination fails to teach load balancers in the plurality of load balancers are organized into a ring and each load balancer is configured to take over load balancing operations for a neighboring load balancer in the ring, if the neighboring load balancer fails.

As per claim 8, the prior art of record taken alone or in combination fails to teach the plurality of load balancers are organized into a ring and each load balancer is configured to take over load balancing operations for a neighboring load balancer in the ring, if the neighboring load balancer fails.

As per claims 15 and 23, the prior art of record taken alone or in combination fails to teach the plurality of load balancers are organized into a ring and each load balancer in the plurality of load balancers is configured to take over load balancing operations for a neighboring load balancer in the ring, if the neighboring load balancer fails.

As per claim 21, the prior art of record taken alone or in combination fails to teach the plurality of load balancers are organized into a ring and each of the plurality of load balancers is configured to take over load balancing operations for one or more failed load balancers in the plurality of load balancers.

As per claim 22, the prior art of record taken alone or in combination fails to teach the plurality of load balancers are organized into a ring and taking over load balancing operations, if necessary, for one or more failed load balancers in the plurality of load balancers.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Information Disclosure Statement***

5. The examiner is considering the information disclosure statements (IDS) submitted on 30 April 2001.

***Drawings***

6. The drawings were received on 27 October 2004. These drawings are acceptable.

***Specification***

7. The amendments to the specification were received on 27 October 2004. These corrections are acceptable.

*Conclusion*

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following references are cited to further show the state of the art with respect to in general:

USPN 5,687,309 to Chen

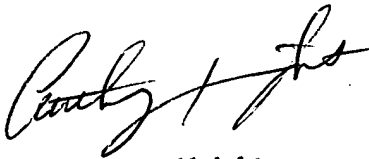
US Pub. No. 2001/0038633 A1 to Robertson et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Crystal J. Barnes whose telephone number is 571.272.3679. The examiner can normally be reached on Monday-Friday alternate Mondays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Knight can be reached on 571.272.3687. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CJB  
16 November 2004



**Anthony Knight**  
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Group 3600